

EXHIBIT 3

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10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 SEAN LANE, et al.,

14 Plaintiffs,

15 vs.

16 FACEBOOK INC., et al.,

17 Defendants.

CASE NO.: 5:08-cv-03845-RS

DECLARATION OF FRANK C. BRAME IN
SUPPORT OF BLOCKBUSTER'S
OPPOSITION TO PROPOSED
INTERVENORS' MOTION FOR LIMITED
INTERVENTION AND TO STAY
CONSIDERATION OF PLAINTIFFS'
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT
AGREEMENT

1 I, Frank C. Brame, make this Declaration under the penalty of perjury under the laws of the
2 United States:

3 1. I am an attorney licensed to practice law in the State of Texas and am associated with
4 the law firm of Vinson & Elkins LLP., counsel for defendant Blockbuster Inc. ("Blockbuster") in this
5 case. I have personal knowledge of the facts set forth in this Declaration, and if called upon to testify,
6 I could and would testify competently thereto.
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8 2. To my knowledge, Blockbuster has not been served in this case and has not hired local
9 counsel. Blockbuster did not participate in the negotiations between Plaintiffs and Facebook leading
10 up to the settlement of the claims in this case.

11 3. Following the filing of the motion for preliminary approval in this case, I notified
12 counsel for the proposed intervenors Catherine Harris, Mario Herrera, and Maryam Hosseiny's (the
13 "Proposed Intervenors").
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15 4. Attached as exhibit 1 is a true and correct copy of a May 5, 2009 email from Jeremy
16 Wilson, Esq., counsel for the Proposed Intervenors.
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18 Date: October 12, 2009
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22 Frank C. Brame
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EXHIBIT 1

Brame, Frank

From: Jeremy Wilson [jwilson@corealaw.com]
Sent: Tuesday, May 05, 2009 3:17 PM
To: Brame, Frank
Subject: Harris v. Blockbuster

Frank,

I just heard another lawsuit in the Northern District of California against Facebook involving the same circumstances as our lawsuit. It appears Blockbuster was sued, but never served with the Complaint.

I also heard that a settlement of the claims against Facebook is being finalized. I was just wondering if you know anything about this lawsuit and whether Blockbuster is aware of it since they do not appear to have been served with process in that case?